

Declaratory

Improvement Res. No. 1090-1962

For the Condemnation of right of way for sidewalk purposes across the center eight (8) feet of Vacated Briarwood Lane from the south property line of Paulding Road to the north property line of Cox Drive.

Resolution Adopted:

Oct. 24, 1962

Confirmed:

ALL ACTION RESCINDED

March 14, 1963

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

1090

DECLARATORY RESOLUTION NO. 1090-1962

For the Condemnation of right of way for sidewalk purposes across the center eight (8) feet of Vacated Briarwood Lane from the south property line of Paulding Road to the north property line of Cox Drive.

PLANS ORDERED: March 26, 1962

ADOPTED: Oct. 24, 1962

ADVERTISE NOTICE TO PROPERTY OWNERS: Oct. 26 & Nov. 2, 1962

*Notice served Nov. 2, 1962*  
HEARING ON CONFIRMATION: Thurs. Nov. 15, 1962, 3:30 p.m.

Continued to Jan. 10, 1963 3:30 p. m.

CONFIRMED:

Remonstrance Received Nov. 15, 1962

ASSESSMENT ROLL ORDERED:

Continued to March 14, 1963 at 3:30 p. m.

ASSESSMENT ROLL APPROVED:

HEARING ON CONFIRMATION  
OF ASSESSMENT ROLL:

ALL ACTION RESCINDED

NOTICE SERVED:

MAR 14 1963

ASSESSMENT ROLL CONFIRMED:

For the ~~Vacation Opening~~ Condemnation of right of way for ~~utility purposes~~ sidewalk purposes across the center eight (8) feet of Vacated Briarwood Lane from the south property line of Paulding Road to the north property line of Cox Drive

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right-of-way for sidewalk purposes across the center eight (8) feet of Vacated Briarwood Lane from the south property line of Paulding Road to the north property line of Cox Drive, more particularly described as follows: Beginning at a point on the north line of Cox Drive, said point being 21 feet east of the southeast corner of Lot No. 12, Section "B", Briarwood Addition; thence north and parallel to the east line of said Lot No. 12, a distance of 282 feet, to the south line of Paulding Road; thence east by deflection right of ninety degrees, a distance of 8 feet; thence south by deflection right of ninety degrees, a distance of 282 feet; thence west by deflection right of ninety degrees, a distance of 8 feet, to the point of beginning.

All as shown by a plan of such proposed ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sidewalk purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The condemnation of right-of-way, as above described, is to be made by condemning and appropriating for sidewalk purposes the property described above.

The cost of said ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sidewalk purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sidewalk purposes is described as follows: Lot No. 11, Section "A"; Lot No. 12, Section "B"; Lot No. 35, Section "F"; and Lot No. 50, Section "G", all lots in Briarwood Addition to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described \_\_\_\_\_ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.~~

All Streets, lots and lands affected by the above described condemnation are situated in the northeast quarter of Section twenty-six, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 24th DAY OF Oct. 19 62

Attest:

Secretary Board of Public Works.

Board of Public Works.



air  
2/23/30

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

9

B.O. 37-'62

Date March 26, 1962

To City Engineer

Subject Sidwalks

We have received several complaints regarding the lack of sidewalks in Ben Geyer Junior High School area and also Bishop Luers High School and South Calhoun Elementary School.

The attached letter from Lt. Roland E. Miller, Director of School Safety, outlines in detail the situation as it exists.

Investigate and report your recommendations.

*Pennett McGraw* Clerk  
BOARD OF PUBLIC WORKS

KM:ms

enc.

cc: Mayor Burns

NOTED  
☒ P.F.R.  
☒ C.L.S.  
☒ B.W.

Signed \_\_\_\_\_

Date 10/24/62  
*gfd*

Reply: October 19, 1962 **1090**

We have made an extensive investigation regarding the lack of sidewalk in the area mentioned above. It is our opinion that the need for sidewalk is critical as it affects children from three different schools.

A street known as Briarwood Lane would have provided access for pedestrians, but it was vacated by the County Commissioners before this area was annexed to the City. The vacation proceedings are located in Commissioners Record Book 27-Page 386 and dated May 29, 1952. Annexation was effective November 15, 1955.

We are attaching a Declaratory Resolution, drawings and property ownership list for the condemnation of right of way for sidewalk purposes over the center eight feet of Vacated Briarwood Lane. It is our recommendation that this resolution be processed, after which time a sidewalk can be constructed at City expense. We suggest the construction be handled by invitational bids, after the Declaratory Resolution is approved.

A fence will have to be moved but this can be included in the sidewalk cost.

Edward Green  
City Engineer

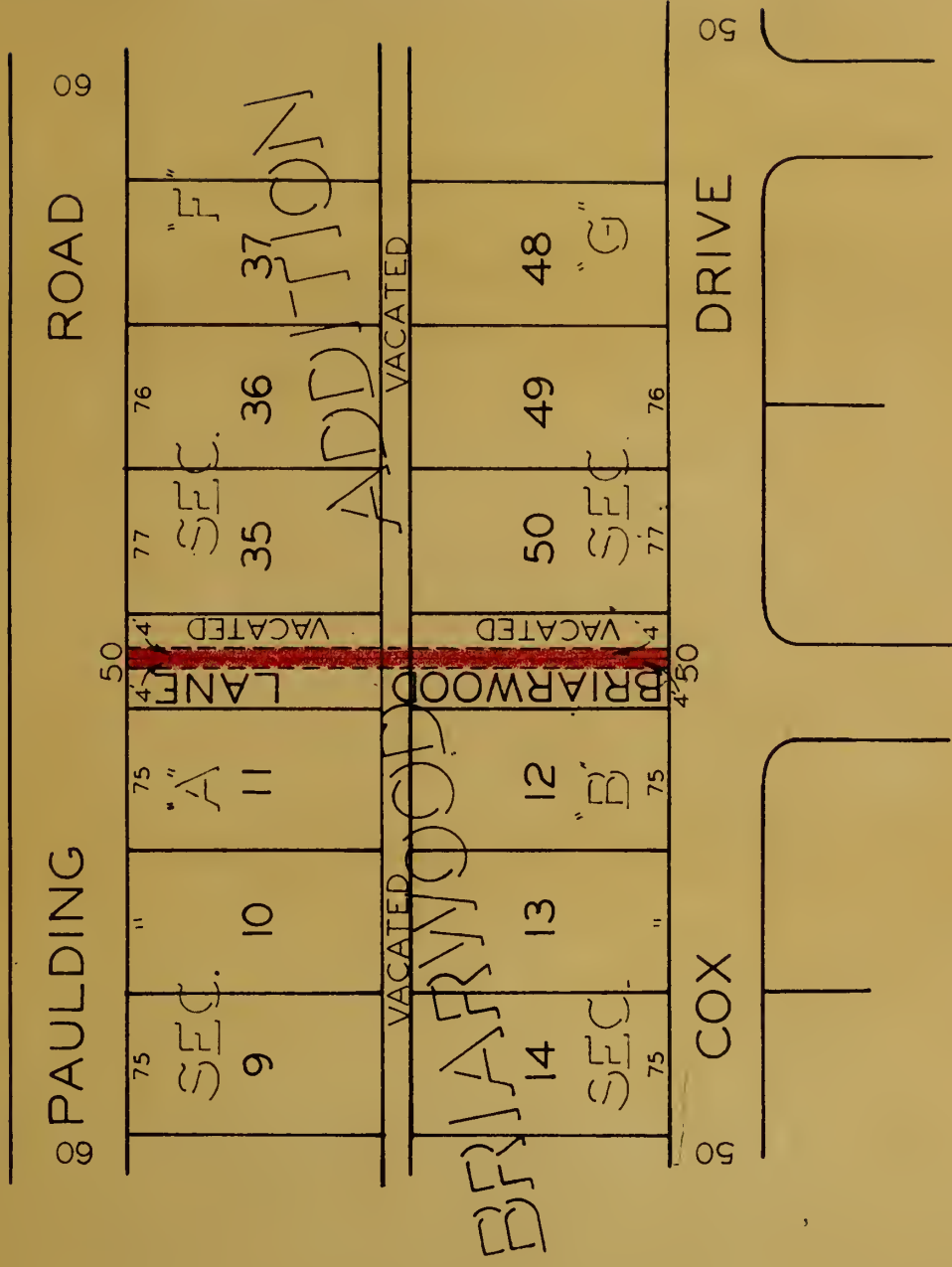
Signed DEB:is attach.  
cc: Mayor Burns  
*Edward Green*

RECEIVED  
OCT 22 1962  
RECEIVED

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

CONDEMNATION OF R/W FOR SIDEWALK PURPOSES

1090



# NOTICE OF IMPROVEMENT

## OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, ..... November 2, 1962

1090

To.....

.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did  
Declaratory  
pass Improvement/Resolution No. .... 1090-1962  
providing for the Condemnation of right of way for sidewalk purposes across the center  
Eight (8) feet of vacated Briarwood Lane from the south property line of Paulding Road  
to the north property line of Cox Drive.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... Thursday, November 15, 1962 at 3:30 pm.  
a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

Briarwood Add. Sec. "A" - "B" - "F" - "G"

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS



SOUTH CALHOUN SCHOOL  
5401 South Calhoun St.  
Fort Wayne, Indiana

November 13, 1962



Mr. & Mrs. L. M. Selzer  
301 E. Cox Drive  
Fort Wayne, Indiana

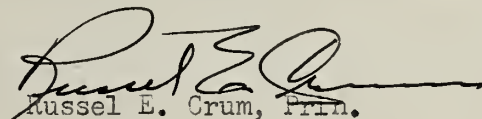
Dear Mr. & Mrs. Selzer:

My signature on the remonstrance would be of no value except to indicate my sympathetic understanding of the problem which is involved. In reality I cannot see where it would effect favorably or unfavorably the problems we have with pedestrian traffic from our school.

We instruct all our pupils to cross at a protected intersection and this we would continue to do if the sidewalk in question was opened and made available to the pupil pedestrians from our school; therefore, the opening of this area would not improve and I doubt if it would complicate the problems which we already face.

Hence, I feel the proper approach for me in this matter is to remain in a position that will net for us the best understanding and cooperation of all parties concerned.

Respectfully yours,

  
Russel E. Crum, Prin.

dr

RECEIVED

REMONSTRANCE

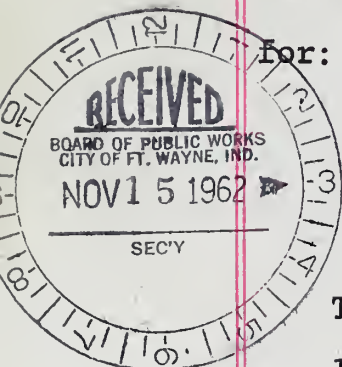
Undersigned interested parties, and affected parties, do hereby remonstrate to Resolution, No. 1090-1962, adopted by the Board of Works, City of Fort Wayne, Indiana, under notice dated November 2, 1962, for a hearing on November 15, 1962, at 3:30 P.M.

For:

The condemnation of a right-of-way for sidewalk purposes across the center eight (8) feet of vacated Briarwood Lane from the South property line of Paulding Road to the North property line of Cox Drive.

This remonstrance is filed because:

1. Briarwood Lane was vacated because of traffic hazards to children and pedestrians, not only thereon, but also where it intersected with Cox Drive and Paulding Road.
2. There is a traffic light at the intersection of Calhoun Street and Paulding road. Small children from South Calhoun Street Grade School are directed always to cross at this intersection because of the safety of the traffic light from automobiles.
3. Cox Drive is principally used for vehicular traffic by residents at the area south of Cox Drive to Calhoun Street, which at times creates conjested traffic.
4. From the traffic light at Calhoun Street and Paulding Road, traffic goes east over U.S. Highway #27, where parents have asked the State Highway Commission to install a traffic light for children as well as pedestrains. They want a sidewalk established along the addition adjacent to U.S. Highway # 27 so children can cross Paulding Road at a traffic light.
5. No small children should be permitted to cross Cox Drive or Paulding Road at the place of the proposed sidewalk, as the children will criss cross on the street pavements and recreate dangers for which Briarwood Lane was vacated. Only a few older children will use this proposed sidewalk.
6. Buses for children for Lutheran Schools, car pools and many automobiles using Paulding Road will create dangerous hazards





for school children crossing Paulding Road at the proposed sidewalk intersection.

7. The residents of the area do not want the proposed sidewalk where their children will not be protected.

8. Property owners will be damaged if crowds of children are diverted over an eight foot strip where they cannot be controlled nor protected.

9. The proposed sidewalk will be in the center of a block where children will cross the street at all angles. Safety of the children can only be protected along established streets where there are sidewalks at intersections where there are traffic lights.

10. There is no necessity for the proposed street to accomodate a few older children.

Undersigned therefore ask that the establishment of the proposed sidewalk be denied.

11. Paulding Road is to be a four (4) lane highway to connect U.S. Highway #27 with Baer Field. Heavy trucks as well as many automobiles will cause constant traffic where children would have to cross Paulding Road at the new proposed sidewalk.

12. The State of Indiana has reserved an easement either inside, or outside, of the heavy fencing along U.S. Highway #27. This easement can be available to pedestraains, where they can be controlled by a traffic light.

13. In the fall of 1962, a child was killed at Cox and Calhoun Streets, where there was no traffic light, when it crossed over Calhoun Street about a 100 feet north of Cox Drive.

William H. Scott

William H. Scott

222 East Paulding Road  
Owners of Lot 11, Section A.  
Briarwood Addition

Joyce A. Scott

Joyce A. Scott

Edward H. Waite

Edward H. Waite

219 East Cox Drive  
Owners of Lot 12, Section B.  
Briarwood Addition

Kathryn May Waite

Kathryn May Waite

Helen I. Federspiel

Helen I. Federspiel

304 East Paulding Road  
Owner of Lot 35, Section F.  
Briarwood Addition

Lawrence M. Selzer

Lawrence M. Selzer

301 East Cox Drive  
Owners of Lot 50, Section G.  
Briarwood Addition

Joan M. Selzer

Joan M. Selzer

NAMES

ADDRESS

Leah Howard

214 East Paulding Rd.

Dorothy Baker

209 E. Cox Drive

James C. Murray

211 E. COX, DRIVE

Janet Pursey

232 East Cox Drive

Wilfrid F. Becker

5825 So. Calhoun St.

Mrs. Ralph Frank

208 E. Paulding Rd.

Mrs. Larry Woods

128 E. Paulding Rd.

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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NOV 15 1962

FAY W. LEAS  
ROBERT L. HINES  
LAWYERS  
334 UTILITY BUILDING  
FORT WAYNE 2, INDIANA



45-147-1

B.O. 37-'62

March 15, 1963

City Engineer

Dec. Res. 1090-1962

Condemnation of right of way for sidewalk - Briarwood Lane.

ALL ACTION RESCINDED.

Paul F. Roembke

C. L. Sidle

Berkeley Ward

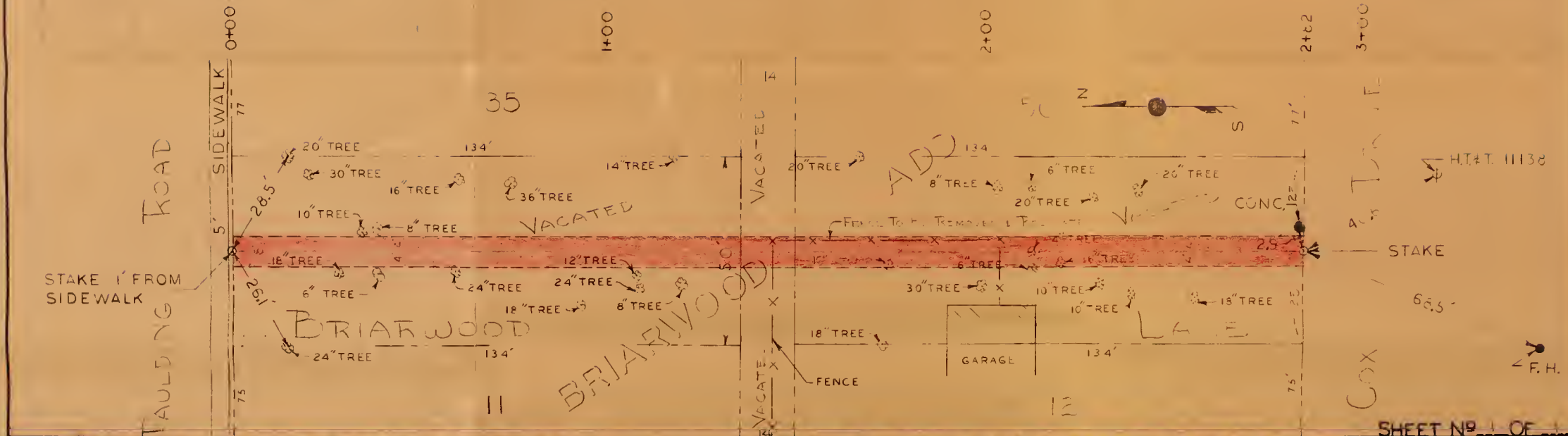
BOARD OF PUBLIC WORKS

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cc: Mayor Burns



CONDEMNATION OF ...



## Improvement Resolution No. 1090-1962 For The CONDEMNATION OF RIGHT OF WAY FOR SIDEWALK PURPOSES

ACROSS THE CENTER EIGHT (8) FEET OF VACATED BRIARWOOD LANE FROM THE SOUTH PROPERTY LINE OF PAULDING ROAD TO THE NORTH PROPERTY LINE OF COX DRIVE.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	SCOTT, WILLIAM H. & JOYCE A.	222 E. Paulding Rd.		11 & 1/2	VAC. ST. Q. E.		BRIARWOOD ADD., SEC. "A"
2				5 1/2	VAC. ALLEY Q. S.		
3	WAITE, EDWARD H. & KATHERYN MAY	219 E. Cox		12 & 1/2	VAC. ST. Q. E.		BRIARWOOD ADD., SEC. "B"
4				1/2	VAC. ALLEY Q. N.		
5	FEDETSPIEL, HELEN I. & STEPHEN J.	304 E. Paulding Rd.		35 & 1/2	VAC. ST. Q. W.		BRIARWOOD ADD., SEC. "F"
6				1/2	VAC. ALLEY Q. S.		
7	SELZER, LAWRENCE M. & JOAN M.	301 E. Cox		50 & 1/2	VAC. ST. Q. W.		BRIARWOOD ADD., SEC. "G"
8				1/2	VAC. ALLEY Q. N.		
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60	NOTICES MAILED <del>OR SERVED</del>						
61	November 2, 1962						
62	By Beryl Rehling						
63	N. to P.O.						
64							
65							
			TOTAL				





